IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

RCRev..No. 18 of 2007(F)
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RCA.32/2002 of D.C. & SESSIONS COURT,KOLLAM
RCOP.10/2000 of ADDL.MUNSIFF COURT, KOLLAM
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REVISION PETITIONER/ADDL.2ND APPELLANT IN APPEAL:
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K. NAGENDRAN,
PARADISE, LEKSHMI NADA, BEACH NORTH WARD, KOLLAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: ADDL.RESPONDENT 2 TO 5 IN THE APPEAL:
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1. K. RAMAKRISHNAN,
SREENIVAS, LEKSHMI NADA, BEACH NORTH WARD, KOLLAM.

2. LEKSHMI PRABHA,
RENGANATH TEXTILES, CHANGANASSERY.

3. LEKSHMI NARAYANAN, SELVAM,
LEKSHMI NADA, BEACH NORTH WARD, KOLLAM.

4. K. RAJKUMAR,
DOCTOR, SREE NARAYANA TRUSTS HOSPITAL, CHERTHALA.

ADDL. 5. A.V.UMA MAHESWARI,
KALA MANDIRAM, GANDHI NAGAR.
CUTCHERYMUKKU, KOLLAM.

R5 BY ADV. SRI RAJA VIJAYARAGHAVAN (CAVEATOR)

(ADDL.R5 IS IMPLEADED AS PER ORDER DATED 12/3/2007 IN I.A.NO.731/2007)

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.732/2007 IN R.C.R.NO.18 OF 2007

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DISMISSED

Sd/- P.R.RAMAN, JUDGE.

12/3/2007

Sd/- ANTONY DOMINIC, JUDGE.

**P.R.RAMAN & ANTONY DOMINIC,JJ.**

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**R.C.R.NO.18 OF 2007 &**
**CAVEAT O.P.NO.172 OF 2007**

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**Dated this the 12th day of March, 2007**

**O R D E R**

**Raman, J.**

Tenant is the revision petitioner. Faced with an order of eviction passed by the Rent Control Court as affirmed by the Appellate Authority, this revision is filed. After arguing for some time on 8/3/2007, the matter was adjourned, as the counsel wanted to file an undertaking to withdraw the contentions and to give him a reasonable time to vacate the premises. When the matter came up for consideration today, I.A.No.732/2007 was filed supported by an affidavit in which he has undertaken that he will not induct any strangers, that he will pay the monthly rent regularly and that he will handover the vacant possession to the petitioner before the Rent Control Court. He also seeks to withdraw all the contentions urged before the Rent Control Court, the Appellate Authority and this Court.

2. After hearing both sides and in the light of withdrawal of the contentions, the revision will stand dismissed.

3. However, the execution pursuant to the order of eviction passed

by the court below will stand deferred till 31/12/2007 on the following conditions:

1) The petitioner shall surrender vacant possession of the building on or before 31/12/2007.
2) He shall not induct any third parties.
3) He shall pay/deposit the entire arrears of rent, if a any, within one month from today before the execution court.
4) He shall continue to pay the amount equivalent to the monthly rent by way of compensation for use and occupation, till he surrenders vacant possession of the building.
5) If any of the conditions as aforesaid is defaulted, it will be open to the landlord to evict the tenant forthwith.

A copy of this order along with a copy of the affidavit filed herein shall be produced before the court below for information and compliance.

**P.R.RAMAN,**
**Judge.**

**ANTONY DOMINIC,**
**Judge.**

kcv.